

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**EMISSIVE ENERGY CORPORATION
Plaintiff**

VS.

C.A. NO. 09-567S

**SPA-SIMRAD, INC., d/b/a SPA-DEFENSE,
d/b/a SPA TACTICAL, d/b/a SOUTHERN
PRECISION ARMORY,**

Defendant

MOTION TO DISMISS

Now comes Defendant Spa-Simrad, Inc., d/b/a Spa Defense, d/b/a Spa Tactical, d/b/a Southern Precision Armory (hereinafter referred to as “Spa-Defense”), to move to dismiss Plaintiff’s Complaint for lack of personal jurisdiction under Rule 12(b)(2), Federal Rules of Civil Procedure, and based on immunity under 28 U.S.C. Section 1498, and for the reasons set forth in the accompanying Memorandum of Law.

Defendant, Spa-Simrad, Inc.,
by its Attorney,

/s/Harris K. Weiner

Harris K. Weiner, Esq. #3779
Salter McGowan Sylvia & Leonard, Inc.
321 South Main Street, Suite 301
Providence, Rhode Island 02903
Office: (401) 274-0300
Facsimile: (401) 453-0073

Certification

I hereby certify that a copy of the within Stipulation was delivered electronically to Craig M. Scott, Esq., and Christine K. Bush, Esq., Scott & Bush, Ltd., 30 Kennedy Plaza, 4th Floor, Providence, RI 02903 on this 25th day of January, 2010.

/s/Harris K. Weiner